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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,563	01/14/2002	David W. Kusin	P-106145.5(UTI)	4685

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EXAMINER

ABEL JALIL, NEVEEN

ART UNIT PAPER NUMBER

2165

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,563

Applicant(s)

KUSIN, DAVID W.

Examiner

Neveen Abel-Jalil

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 100-129 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 100-123 is/are rejected.
- 7) ☒ Claim(s) 124-129 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/9/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. The preliminarily amendment filed on April 9, 2002 has been received and entered. Claims 1-99 have been cancelled. Claims 100-129 have been newly added. Therefore, claims 100-129 are now pending in the application.

Specification

2. The abstract of the disclosure is objected to because it is written in more than one paragraph and in more than 150 words. The abstract should be submitted on a separate sheet. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

3. Claim 100 is objected to because of the following informalities:

In claim 100, line 5, the symbol “; “ should be replaced by a period delineating the end of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 100-114 are rejected under 35 U.S.C. 101 because the claims are directed to a non-statutory subject matter, specifically, directed towards an data structure.

The Supreme Court has repeatedly held that abstractions are not patentable. "An idea of itself is not patentable". "Rubber Tip Pencil Co. V. Howard", 20 Wall.498, 07. Phenomena of nature, though just discovered, mental processes, abstract intellectual concepts are not patentable, as they are the basic tools of scientific and technological work "Gottschalk v. Benson", 175 USPQ 673, 675 (S Ct 1972). It is a common place that laws of nature, physical phenomena, and abstract ideas are not patentable subject matter "Parker v. Flook", 197 USPQ 193, 201 (S Ct 1978).

Database Structures or abstract ideas as in this case not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are neither physical "things" nor statutory processes. Applicant's claims are not within any of the statutory classes. "A database structure" should define structural and functional interrelationships between data structures or functional parts and a computer system which permit the data functions to be realized, and is statutory.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2165

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 102-114, and claims 117-129 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 102, line 2, the recitation "other" renders the claim to be indefinite. It is unclear to the examiner which specific categories of the group are being included in the "consisting of".

In claim 117, line 2, the recitation "other" renders the claim to be indefinite. It is unclear to the examiner which specific categories of the group are being included in the "consisting of".

Claims 103-114, and 118-129 are dependent on claims 102, 118 respectfully and therefore carry the same deficiencies.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 100-102, and 115-117 are rejected under 35 U.S.C. 102(e) as being anticipated by Zodik et al. (U.S. Patent No. 6,785,683 B1).

As to claims 100, and 115, Zodik et al. discloses a computer system for classifying tangible assets comprising:

a processing unit capable of establishing one or more asset categories, said processing unit being further capable of utilizing one or more features of said asset to classify said asset such that said asset is substantially described by one of said asset categories and assigning a first identifier to said asset (See column 3, lines 1-50).

As to claim 101, and 116, Zodik et al. discloses a storage device capable of storing asset information, said storage device coupled to said processing unit, said processing unit being further defined as being capable of storing said asset information within said storage device and searching said storage device for said asset information utilizing said first identifier (See column 9, lines 1-39, also see column 7, lines 10-30).

As to claim 102, and 117, Zodik et al. discloses wherein said asset categories are selected from the group consisting of fine art, decorative art, antiquities, other discrete disciplines and collectibles (See column 3, lines 1-50, wherein listing above reads on predefined "categories").

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 103-108, and 118-123 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zodik et al. (U.S. Patent No. 6,785,683 B1) in view of Headings et al. (U.S. Pub. No. 2002/0143782 A1).

As to claim 103, and 118, Zodik et al. discloses wherein said processing unit is further defined as being capable of establishing one or more secondary asset categories for each of said asset categories, said processing unit further defined as being capable of utilizing one or more features of said asset to classify said asset such that said asset is described by one of said secondary asset categories (See abstract, also see column 2, lines 20-34, also see column 3, lines 1-50).

Zodik et al. does not teach assigning a second identifier to said asset and searching said storage device for said asset information utilizing said first identifier and said second identifier.

Headings et al. teaches assigning a second identifier to said asset and searching said storage device for said asset information utilizing said first identifier and said second identifier (See Headings et al. pages 3-4, paragraphs 0036-0037).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Zodik et al. to include assigning a second identifier to said asset and searching said storage device for said asset information utilizing said first identifier and said second identifier.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Zodik et al. by the teaching of Headings et al. to include assigning a second identifier to said asset and searching said storage device for said asset information

utilizing said first identifier and said second identifier because creating more than one identifier allows for efficient and accurate classification and retrieval of stored assets.

As to claim 104, and 119, Zodik et al. as modified discloses wherein said processing unit is further defined as being capable of combining said first identifier and said second identifier to create an asset identifier code (See Zodik et al. column 17, lines 11-22, also see Headings et al. pages 3-4, paragraphs 0036-0037, also see Headings et al. page 3, paragraph 0032).

As to claim 105, and 120, Zodik et al. as modified discloses wherein said secondary asset categories are selected from the group consisting of paintings, sculpture, works on paper, tapestries, furniture, decorations, couture, ephemera, textiles, ancient near east, Egyptian, Etruscan/Roman, early church, Greek/Hellenistic, pre-Columbian, pre-history, arms & armor, Asian art, books/bindings/manuscripts/signatures/maps, carpets, clocks/timepieces/scientific instruments, contemporary forms in media & action, Islamic art, Judaica, tribal art, animation & comic art, coins geophysical & mineral, sports memorabilia, stamps, toys, vintage cars, and wines (See column 3, lines 55-67, also see column 4, lines 1-33, wherein “selected from the group” can include language specific data being stored as taught in Zodik et al.).

As to claim 106, and 121, Zodik et al. as modified discloses wherein said processing unit is further defined as being capable of:

establishing one or more tertiary asset categories for each of said asset categories, said processing unit further defined as being capable of (See column 6, lines 21-54, wherein “tertiary asset categories” reads on “more than one category”);

utilizing one or more features of said asset to classify said asset such that said asset is described by one of said tertiary asset categories (See column 6, lines 21-54, wherein “tertiary asset categories” reads on “more than one category”);

assigning a third identifier to said asset and searching said storage device for said asset information utilizing said first identifier, said second identifier and said third identifier (See Headings et al. pages 3-4, paragraphs 0036-0037, also see Headings et al. page 3, paragraph 0032).

As to claim 107, and 122, Zodik et al. as modified discloses wherein said processing unit is further defined as being capable of combining said first identifier, said second identifier and said third identifier to create an asset identifier code (See Headings et al. pages 3-4, paragraphs 0036-0037, also see Headings et al. page 3, paragraph 0032).

As to claim 108, and 123, Zodik et al. as modified discloses wherein said tertiary asset categories are selected from the group consisting of American through the 19th century, English through the 19th century, French through the 19th century, other continental through the 19th century, contemporary, modernist 20th century masterworks, illuminations & incunabula, Latin America, mannerist, medieval, old master, renaissance, Late Roman/Gothic & Medieval, garden sculpture, drawings, watercolors, photographs, the other print media, costumes, accessories,

Art Unit: 2165

precious/other jewelry, fine art, coinage, articles of daily life, Chinese, Japanese, Korean, Indian, Central and Southeast Asian, American Indian art, African art, and oceanic art (See column 3, lines 55-67, also see column 4, lines 1-33, wherein "selected from the group" can include language specific data being stored as taught in Zodik et al.).

Allowable Subject Matter

11. Claims 124-129 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form **including** all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for allowable subject matter:

The prior art of record (Zodik et al. -U.S. Patent No. 6,785,683 B1-and- Headings et al. - U.S. Pub. No. 2002/0143782 A1) do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim), assigning a fourth identifier to said asset and searching said storage device for said asset information utilizing said first identifier, said second identifier, said third identifier and said fourth identifier, as claimed in dependent claim 124.

Claims 125-129 are objected to as allowable over the prior art made of record, because it is dependent from the objected to as allowable dependent claim 124.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chen et al. (U.S. Patent No. 5,727,199) teaches developing classification rules using group IDs and categories.

Ponte (U.S. Patent No. 6,665,665 B1) teaches assigning unique identification to each term in a document being classified.


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074.

The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
December 13, 2004


SAM RIMELL
PRIMARY EXAMINER